

FILED  
IN CLERKS OFFICE

Dated: April 9, 2018

2018 APR 16 PM 12:53

U.S. DISTRICT COURT  
DISTRICT OF MASS.

VIA FIRST CLASS MAIL.

LISA PEZZAROSSO, DEP. CLERK  
UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
1 COURTHOUSE WAY, SUITE 2300  
BOSTON, MASSACHUSETTS 02210

In Re: Kyricopoulos v. Gaffney  
Civil No. 17-11778-FDS

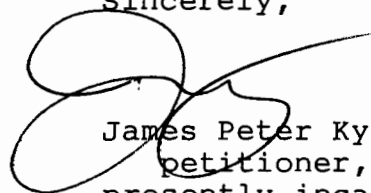
Dear Ms. Pezzarossi;

Please forgive my indulgence, kindly find enclosed for  
docketing immediately and ruling:

1. Petitioners Motion for the Alternative; and
2. Certificate of Service.

Thank you for your time, and still waiting for updated docket  
entries, need them for my next filing to a Superior Court.

Sincerely,



James Peter Kyricopoulos,  
petitioner, pro-se  
presently incarcerated at:  
Old colony Correctional  
Center-Minimum Security  
One Administration Road  
Bridgewater, Mass. 02324

JPK  
enclosures  
cc: See Certificate of Service

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JAMES PETER KYRICOPOULOS, )  
petitioner

v. )

ERIN GAFFNEY, )  
RESPONDENT

Civil Action No. 17-11778-FDS

U.S. DISTRICT COURT  
DISTRICT OF MASS.

2018 APR 16 PM 12:53

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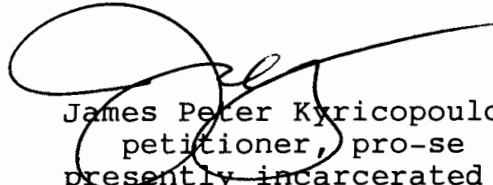
PETITIONER'S MOTION IN THE  
ALTERNATIVE

NOW COMES the petitioner, pro-se and submits this Motion in the Alternative, for the Petitioner to Proceed with Appeal, no. 18-1245. As reasons for, the petitioner upon receiving a notice from the First Circuit Court of Appeals, timely filed Motion for Extension or Enlargement of Time as he did not have the form/application with accompanying affidavit to proceed in Forma Pauperis see attached copy of Motion dated March 26, 2018. As of today, the petitioner hasNOT received anything from this Court, the petitioner has attached a a Order of the Court, First Circuit, May 31, 2017, less than a year ago, granting the petitioner to proceed in forma pauperis, where he was Appealing the District Court didmissing his related habeas corpus, well today, same facts, still incarcerated, nothing different, but the habeas

attacking same state conviction. As the U.S. Supreme Court has said in Rule 39, lower court has already declared petitioner can proceed in Forma Pauperis.

Accordingly, instead of forwarding petitioner the forms, and delaying 2-3 weeks, there is no way the petitioner can be denied to proceed in Forma Pauperis, Allow the petitioner to proceed in Forma Pauperis in this Appeal, docketed as no. 18-1245 in the alternative.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James Peter Kyricopoulos', is written over the typed name and address.

James Peter Kyricopoulos,  
petitioner, pro-se  
~~presently incarcerated at:~~  
Old colony Correctional Center  
Minimum Security  
One Administration Road  
Bridgewater, Mass. 02324

Dated: april 9, 2018

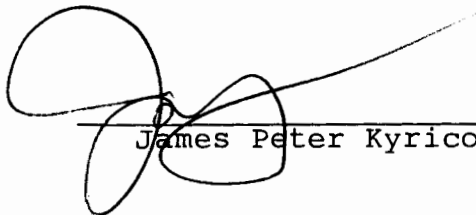
CERTIFICATE OF SERVICE

I, James Peter Kyricopoulos, petitioner, pro-se do hereby certify that true copies of the enclosed were mailed to the following by first class mail, postage prepaid this 9th day of April 2018:

EVA BADWAY, ASST' ATT. GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASS. 02108

STEPHEN BREYER,  
UNITED STATES SUPREME COURT JUSTICE  
UNITED STATES SUPREME COURT  
1 FIRST ST., N.E.  
WASHINGTON, D.C. 20543

MARGARET CARTER, CLERK  
UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT  
1 COURTHOUSE WAY, SUITE 2500  
BOSTON, MASSACHUSETTS 02210



James Peter Kyricopoulos

Dated: April 9, 2018

# United States Court of Appeals For the First Circuit

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No. 17-1374

JAMES PETER KYRICOPOULOS,

Petitioner, Appellant,

v.

JOSEPH MURPHY,

Respondent, Appellee.

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## ORDER OF COURT

Entered: May 31, 2017

Petitioner's motion to proceed in forma pauperis is **GRANTED**. Petitioner's motion to stay this proceeding is **DENIED**; however, the deadline for petitioner to file an application for certificate of appealability is extended to June 16, 2017. No further extensions will be granted.

By the Court:

/s/ Margaret Carter, Clerk

cc:

James Peter Kyricopoulos  
Eva Marie Badway

Dated: March 26, 2018

VIA FIRST CLASS MAIL.

LISA PEZZAROSSO, DEP. CLERK  
TO THE VERY HONORABLE U.S.D.J.  
F. DENNIS SAYLOR IV  
UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
1 COURTHOUSE WAY, SUITE 2300  
BOSTON, MASSACHUSETTS 02210

IN RE: JAMES PETER KYRICOPOULOS, petitioner/appellant

v.

ERIN GAFFNEY, respondent/appellee

Civil Action no. 17-11778-FDS

Appeals Court No. 18-1245

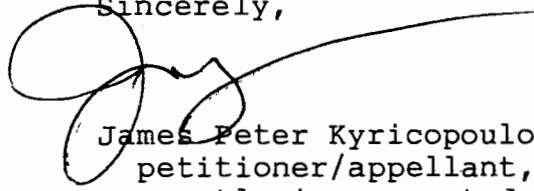
Dear Ms. Pezzarossi;

Please find enclosed to be filed and processed forthwith

1. Petitioner's Motion for Extension of Time;
2. Certificate of Service.

Thank you for your time, and you kindly forward to me after the Court rules upon the above Motion, certified docket entries for the Appeal.

Sincerely,

A handwritten signature in black ink, consisting of a large loop followed by a series of smaller, connected loops and a long horizontal stroke extending to the right.

James Peter Kyricopoulos,  
petitioner/appellant, pro-se  
presently incarcerated at:  
Old Colony Correctional Center  
Minimum Security  
One Administration Road  
Bridgewater, Mass. 02324

JPK

enclosures

cc: Margaret Carter, Clerk, U.S. Court of Appeals  
Andrew Lelling, U.S. attorney

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JAMES PETER KYRICOPOULOS, )  
petitioner )

v. )

Civil Action No. 17-11778-FDS

ERIN GAFFNEY, )  
respondent )

PETITIONER'S MOTION FOR ENLARGEMENT  
OF TIME

NOW COMES the petitioner, James Peter Kyricopoulos, pro-se and submits this Motion for Enlargement of Time to File His Motion Motion to Proceed In Forma Pauperis upon receiving the enclosed notice from the Clerk of the U.S. Court of Appeals for the First Circuit, dated march 21, 2018. As reasons for, here at this prison where they haver kept me for over the three (3) years of false imprisonment, they do not download the Court forms, and the petitioner is requesting that this Court Court direct his clerk to forward the required forms in order for the petitioner can fill them out and forward to this Court for its Allowance The Notice from the Clerk states that the petitioner has 14 days from the date of her notice.

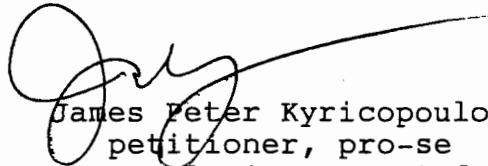


The petitioner is requesting that he be granted an additional 14 days to complete the forms and forward them to this Court.

The petitioner is exercising all safeguards, because of the Bias and Prejudice that this Court has and the First Circuit, kindly see copy of Request to Andrew Lelling, U.S. Attorney for the District of Massachusetts, kindly review, the inference that a reasonable person would conclude is nothing but shock and disgust that a federal courthouse is corrupt.

ACCORDINGLY, the Petitioner's Motion must be Allowed.

Respectfully submitted,



James Peter Kyricopoulos,  
petitioner, pro-se  
presently incarcerated at:  
OLD Colony Correctional Center  
Minimum Security  
One Administration Road  
Bridgewater, Mass. 02324

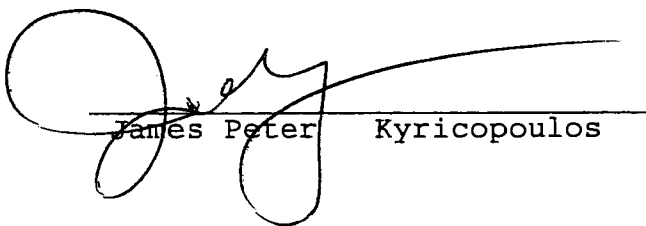
Dated: March 26, 2018

**CERTIFICATE OF SERVICE**

I, James Peter Kyricopoulos, petitioner, pro-se do hereby certify that true copies of the enclosed were mailed to the following by first class mail, postage prepaid this 26th day of March, 2018:

EVA BADWAY, ASST' ATTORNEY GENERAL  
OFFICE OF THE ATTORNEY GENERAL  
ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

MARGARET CARTER, CLERK  
UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT  
UNITED STATES DISTRICT COURTHOUSE  
1 COURTHOUSE WAY, SUITE 2500  
BOSTON, MASSACHUSETTS 02210



James Peter Kyricopoulos

Dated: March 26, 2018

# **United States Court of Appeals For the First Circuit**

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No. 18-1245

**JAMES PETER KYRICOPOULOS**

Petitioner - Appellant

v.

**ERIN GAFFNEY**

Respondent - Appellee

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## **CASE OPENING NOTICE**

Issued: March 21, 2018

The above-captioned appeal was docketed in this court today pursuant to Rule 12 of the Federal Rules of Appellate Procedure. The above case number and caption (unless modified or amended as reflected in the heading of future court notices or orders) should be used on all papers subsequently submitted to this court. If any party disagrees with the clerk's office's designation of the parties on appeal, it must file a motion to amend the caption with any supporting documentation attached. Absent an order granting such a motion, the parties are directed to use the above caption on all pleadings related to this case.

Upon confirmation by the circuit clerk that the record is complete either because no hearing was held, no transcript is necessary, or the transcript is on file, the clerk's office will set the briefing schedule and forward a scheduling notice to the parties.

Within seven days of filing the notice of appeal, appellant must pay the filing fee to the district court clerk. An indigent appellant who seeks to appeal in forma pauperis must file a motion and financial affidavit in the district court in compliance with Fed. R. App. P. 24. Unless this court is provided with notice of paying the filing fee to the clerk of the district court or filing a motion seeking in forma pauperis status within fourteen days of the date of this notice, this appeal may be dismissed for lack of prosecution. 1st Cir. R. 3.0(b).

An appearance form should be completed and returned immediately by any attorney who wishes to file pleadings in this court. 1st Cir. R. 12.0(a) and 46.0(a)(2). Any attorney who has not been admitted to practice before the First Circuit Court of Appeals must submit an application and fee for admission using the court's Case Management/Electronic Case Files ("CM/ECF")